

FARMINGTON CITY
PLANNING COMMISSION MEETING
Thursday, May 26, 2011

WORK SESSION

***Present:** Vice Chairman Jim Young, Commission Members Steven Andersen, Brett Anderson, Rick Draper, Kris Kaufman and Nelsen Michaelson, Community Development Director David Petersen, Associate City Planner Christy Alexander, and Recording Secretary Cynthia DeCoursey.*

Vice Chairman Young began the work session at 6:35 p.m., and the Commission reviewed the following:

Rainey Homes – (Public Hearing) – Applicant is requesting a recommendation/approval of a Preliminary (PUD) Master Plan for the Miller Meadows Planned Unit Development (PUD) encompassing 58.3 acres and consisting of 115 lots located at approximately 600 South 650 West in an AE zone. (S-5-11)

The Planning Commission read and discussed a letter from a resident who opposes this PUD and listed the following concerns:

1. Increase in density
2. Water in basements
3. Additional traffic
4. Lower property values
5. Safety
6. Greater utility demands

David Petersen explained that this is a single family PUD and not a high density PUD—the overall impact will be similar to the original proposal. There are 115 lots which is four more than the original plan. The plan was changed to a PUD because Rainey Homes is consolidating the open space into one large area rather than four smaller areas. They also plan to landscape the open space and install sprinklers and then possibly turn it over to the City. **Mr. Petersen** did not know if the City would be interested.

Rainey Homes – (Public Hearing) – Applicant is requesting a recommendation for approval of a schematic plan and preliminary plat for the proposed Tuscany Cove Phases 2 and 3 encompassing 2.09 acres and consisting of four lots located at approximately 275 East Tuscany Cove Drive in an LRF zone. (S-7-11)

There was a brief discussion of issues regarding this item--road width and length, the steep grade of the property, whether or not to require sidewalks, and the type of retaining walls which would be necessary.

REGULAR SESSION

***Present:** Vice Chairman Jim Young, Commission Members Steven Andersen, Brett Anderson, Rick Draper, Kris Kaufman and Nelsen Michaelson, Community Development Director David Petersen, Associate City Planner Christy Alexander, and Recording Secretary Cynthia DeCoursey.*

Vice Chairman Young began the meeting at 7:10 p.m. and welcomed those in attendance. An opening prayer was offered by Farmington resident **Ken Fultz**.

Minutes

Motion: **Rick Draper** made a motion to approve the minutes of the May 12, 2011 Planning Commission Meeting. The motion was seconded by **Brett Anderson** and approved by Commission Members **Andersen, Draper, and Young**. Commission Members **Anderson, Kaufman** and **Michaelson** were not in attendance and abstained.

City Council Report

Christy Alexander gave a brief report of the City Council Meetings held May 3rd and May 17th.

SUBDIVISION APPLICATIONS

Rainey Homes – (Public Hearing) – Applicant is requesting a recommendation for approval of a Preliminary (PUD) Master Plan for the Miller Meadows Planned Unit Development (PUD) encompassing 58.3 acres and consisting of 115 lots located at approximately 600 South 650 West in an AE zone. (S-5-11)

David Petersen said this development was approved as a conservation subdivision several years ago, but the four conservation sites and several fingers of open space did not work well, and the only way to change the plan was to do a Planned Unit Development (PUD). This plat is consistent with the overall master plan for the PUD. **Christy Alexander** pointed out that the new master plan includes a Legacy Trail access (between Lots 435 and 436), and the elevations are similar in design and style to the existing homes in Tuscan Village.

Public Hearing

Chairman Young explained that the public hearing for this item was opened during the May 12, 2011 Planning Commission Meeting, and he asked for public comments.

Brock Johnston, 1284 W. Flint Meadows Dr. in Kaysville, Rainey Homes, said there were several problems with the conservation subdivision—weeds, the liabilities of keeping large animals in neighborhood areas, and the small open spaces between lots. He has spoken with many of the neighbors, including some who are in favor of the larger open space. He said Rainey Homes has built a \$469,000 home for the annual Home Show which is a sample of the type of homes which will be included in the development.

Randy Rigby, owner of Miller Meadows, said this land has been in his family for more than 150 years, and his mother was the first woman to serve on the City Council in Farmington. They have been working with Rainey Homes to create a high quality development.

Diana Moesinger, 517 W. Miller Way, expressed many concerns:

- The open space lots with overgrown weeds;
- The possibility of allowing some of the existing neighbors to purchase the center lot and subdivide it;
- The easement issue on Lot 309 and the possibility of residents buying back a portion of the lot;
- Requiring funds in advance for the open space and the trail access;
- An assurance that Lot 220 could not be subdivided into townhomes;
- The responsibility of and maintenance for the open space and/or proposed park;

Marlene McQuivey, Lot 106, 552 W. Miller Way, said that when she and several other homeowners in the area purchased their lots, there was a barbed wire fence along their rear property lines, and they were told

that the fence was the rear property line. However, when the fence was removed, they were told that they had 10 feet less space in their backyards. Rainey has said there is not much they can do.

Brock Johnston confirmed that at the beginning there was a barbed wire fence on the back side of these lots, and he believes the **Rigby** family may be open to selling the 10 feet of property to the homeowners. He asked staff if the easement dictates that the open space must remain with Lot 220 or if it would be possible to transfer the easement to the back side of these lots.

Cheryle Munteer, Lot 105, 572 W. Miller Way, said she agrees with all issues mentioned by her neighbors. She was also told that their property line was the fence line. The weeds surrounding her home are very tall, and the lot adjacent to her lot naturally slopes to her backyard and causes a lake. They have installed a pump to handle the excess water in their yard, but she asked for assistance in solving the issue. She would love to have the opportunity to buy back the 10 feet of extra space for their backyard.

Jeff Tye, Lot 303, 378 W. Miller Way, listed three of his concerns: (1) the main selling point from Rainey Homes when he purchased the lot was green space, and he was told that no homes would be built behind his home; (2) parking for the trail access; (3) the elevations of remaining lots. He would like to see how Rainey Homes plans to prevent water from entering his basement.

Laura Tye, Lot 303, 378 W. Miller Way, said Rainey Homes has dumped large piles of fill dirt on Lots 50, 51, and 52, and they moved to west Farmington so they could have a more rural lot and green space.

William Paul LeMmon, Lot 302, 396 Miller Way, said the **Rigby** family led him to believe that the open space behind their lot would be divided down the middle in both cul de sacs, and each homeowner would be given the option to buy their half of the property to be set aside as open space which the homeowners would maintain. Because of the economy and other factors, the plan was not pursued. He suggested that the trail access be located at the back of the lots rather than having it between the two houses at the end of the cul de sac and said he is against having an HOA.

Karolyn Lehn, Lot 111, 432 Miller Way, said lots 214 and 111 have homes built on them, but there is a finger of undeveloped land which she hopes will not be left as open space because of the abundance of weeds. She was told the area would be lined with trees to the Legacy Parkway area.

Doug Decaria, 427 South 650 West, lives next to the **Burbidge** property, and he currently has a right of way to cross their property. He asked if he will lose that right of way or if it will remain in place. **Mr. Petersen** asked him to set up a meeting with the Planning Department to discuss the issue.

Commissioner Andersen read a letter from resident **Jared May** whose main concern is that the majority of the plans he has seen do not allow for the development of his two acres which he would like to develop at some time in the future. He also expressed concerns about the Weber Basin Water.

Richard Barnes, 1582 South Tuscany Cove, does not live in this area, but he has dealt with Rainey Homes at Tuscany Cove. He told the residents that Rainey Homes made promises to homeowners in Tuscany Cove that were not kept. He advised them to require funds for the open space to be held in an escrow account.

Don Francis, 578 South 650 West, lives across the street to the west of the proposed open space area, and he suggested that since the City may not want to maintain an additional park, the space could be restored to pasture land for cows and/or horses and a path could be installed around the perimeter with a dual fence (interior fence to keep the animals in, and a 5-rail white vinyl fence to act as a barrier and to keep kids away). He also suggested creating a small neighborhood park at the east end of the property. He explained that the

retaining pond has become a mess of cattails, trees, and weeds. Prior to the pond, the cows maintained the pasture, and it was a perfect natural retention pond. He feels that this plan would help retain the rural lifestyle in west Farmington.

Dean Griffiths, Lot 210, 502 Rigby Road, lives next to the model home in the subdivision, and he supports the idea of a natural retention area. He would love to see cows and horses in the area, and this area is one of the most beautiful spots in Farmington.

Ashli Zeigler, Lot 217, 628 South Daniel Drive, asked about elevations and said she does not want all of the homes to be craftsman style homes. She would like to have a variety of styles in the development.

Ken Fultz, Lot 214, 457 W. Daniel Court, expressed appreciation to City staff and Rainey Homes who have been accessible and forthcoming with information. He said he would not want the Legacy Trail access in his backyard and proposed locating the access along the north property lines of Lots 111, 301, 302, 303. He asked what the options would be for the finger of land between his lot and Lot 214 and if the property line would have to be a straight line. He pointed out to the other residents in attendance that although this is a PUD, the streets will be public and will be maintained by the City.

Teri Remington, Lot 109, 492 W. Miller Way, said a planned walkway between lots 112 and 113 has not been completed, and her children have to walk through the weeds and stickers to get to the park. She is frustrated with Rainey Homes because they have not kept their promises, and the City has not enforced the zoning laws. She also complained that excess water from the home next door drains into her driveway. She requested that if her neighbors are allowed to purchase the extra property that they be given a fair price.

Dell Marchant, Lot 206, 556 W. Rigby Road, asked if there is an easement over the park open space which prevents selling it, and he listed his top three choices for the open space: (1) create a City Park to be maintained by the City; (2) create a natural setting including animals; (3) create an HOA. He asked that the City require the developer to place funds for the park and trail access in an escrow account in advance because many of the homeowners in the area have experienced a lack of follow through from Rainey Homes.

Brock Johnston addressed some of the concerns presented by residents. He said Rainey Homes was not involved at the beginning of the development, and there are many details they were unaware of. He said they have good intentions and plan to increase the size of the retaining pond and make it look better. He believes the **Rigby** family will be open to some of the ideas presented by residents.

David Petersen responded to some of the concerns expressed by residents:

- Conservation (open space) easements placed over properties prevent it from being sold and/or subdivided;
- The City has no control over fencing;
- He encouraged residents to contact the City's Code Enforcement Director and the Planning Department staff with specific issues they may have;
- The property for a walkway between Lots 112 and 113 is owned by the Davis School District. He suggested that the District be contacted for more information regarding the walkway;
- The zoning is AE (Agriculture Estates) and the City requires a bond in advance for open space improvements.

Following additional discussion the Commission determined that additional time was necessary to deal with several unresolved issues.

Motion: **Steven Andersen** made a motion to table the request for approval of the Preliminary (PUD) Master Plan for the Miller Meadow Subdivision until the June 16, 2011 Planning Commission Meeting to allow additional time to address concerns of existing residents. The motion was seconded by **Rick Draper** and approved by Commission Members **Andersen, Anderson, Draper, Kaufman, Michaelson** and **Young**.

Recess

Motion: At 9:05 p.m. **Steven Andersen** made a motion to take a 5-minute recess. The motion was seconded by Commission Members **Andersen, Anderson, Draper, Kaufman, Michaelson** and **Young**, and the meeting was resumed at 9:10 p.m.

Rainey Homes – (Public Hearing) – Applicant is requesting a recommendation for approval of a schematic plan and preliminary plat for the proposed Tuscany Cove Phases 2 and 3 encompassing 2.09 acres and consisting of four lots located at approximately 275 East Tuscany Cove Drive in an LRF zone. (S-7-11)

Christy Alexander said this is a request for a minor 4-lot subdivision on 2.09 acres of property. It is an LRF zone with a minimum lot size of 20,000 square feet if it is not a conservation subdivision. Rainey Homes is proposing a standard, non-conservation subdivision adjacent to their existing Tuscany Cove subdivision. There are several issues of concern: (1) comments and/or revisions from the City's reviewing agencies have not been received; (2) the current 1000-foot public road will need to meet proper road standards; (3) Parcels A and B are being conveyed to Lots 13 and 14. Additional concerns include the topography, elevation changes, retaining walls, grading, 32-foot street width, and sidewalks.

Public Hearing

Chairman Young opened the public hearing at 9:22 p.m.

Alice Dunford, Lot 13, 1532 S. Tuscany Cove Drive, referred to a letter from Rainey Homes which states that any structure built on Lots 201, 202, and 203 west of her home will not be higher than a rambler. She asked if there would be a grass strip on the back side of Lot 13, and **Mr. Johnston** confirmed that there would be no grass strip but only curb and gutter.

Julia Embrey, 1612 Tuscany Cove Drive, said she and the other homeowners on the west side of Tuscany Cove paid \$32,000 more for their lots than residents on the east side so their view would not be blocked. She does not want 3-story homes to be built in this area. The proposed lots are very steep and must be located close to the street, and she does not want her rock wall to be jeopardized because of insufficient space for snow plows, fire trucks, etc. She would like the new homes to have the same colors and style as the homes located in Tuscany Cove and not the colors and style of Tuscany Cove Village.

Richard Barnes, 1582 South Tuscany Cove, said he also paid extra money for the view and stressed that whatever the City allows on this development will affect future developments by Rainey Homes. He asked that the Commission not make exceptions for the City's requirements for street widths, sidewalks, curbs and gutters, and mow strips. He is opposed to higher retaining walls and said they were required to terrace their backyards because the walls were limited to 6-8 feet height.

Brock Johnston responded and said the homes will be high-end custom homes. Rainey Homes currently does not intend to develop property further to the north, and the Rice property is under contract with another developer. The street from curb to curb would be the same as Tuscany Cove's street, and he said the City is not granting an exception for a sidewalk as a favor to Rainey Homes.

The public hearing was closed at 9:35 p.m., and **Chairman Young** asked staff to address the sidewalk issue. **David Petersen** said the City will sometimes waive the sidewalk on one side and require a wider sidewalk on the other side, but in this case the height of the retaining walls may be prohibitive. Other issues were discussed—a possible variance for a sidewalk on the west side of the development, sufficient access for fire trucks, the height of the retaining walls, the possibility of a more lenient setback requirement and/or an administrative variance of more than 20 feet.

Motion: Nelsen Michaelson made a motion to table the request for approval of the Tuscany Cove Phases 2 and 3 Subdivision Schematic Plan and Preliminary Plat on property located at approximately 275 East Tuscany cove Drive until the June 16, 2011 Planning Commission meeting. The motion was seconded by **Rick Draper** and approved by Commission Members **Andersen, Anderson, Draper, Kaufman, Michaelson** and **Young**.

ADJOURNMENT

Motion: Rick Draper made a motion to adjourn the meeting which was seconded by **Nelsen Michaelson** and approved by Commission Members **Andersen, Anderson, Draper, Kaufman, Michaelson** and **Young**. The meeting was adjourned at 9:40 p.m.

Jim Young, Vice Chairman
Farmington City Planning Commission